

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: HOIKHMAN=1

In re Application of: ) Confirmation No.: 2249  
                          ) )  
                          ) Art Unit: 1615  
                          ) )  
                          ) Examiner: Humera N. Sheikh  
Appln. No.: 10/565,593 ) )  
I.A. No.: PCT/IL04/000654 ) )  
                          ) )  
S371 date: January 23, 2006 ) January 15, 2010  
I.A. filed: July 19, 2004 ) )

For: GELLAN GUM BASED ORAL CONTROLLED RELEASE DOSAGE FORMS —  
A NOVEL PLATFORM TECHNOLOGY FOR GASTRIC RETENTION

**REPLY TO RESTRICTION AND  
ELECTION OF SPECIES REQUIREMENTS**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action mailed August 18, 2009, and Applicants reply below. Attached is a petition for four (4) months' extension of time.

Restriction has first been required between the product (Group I) and the process (Group II). Applicants hereby respectfully and provisionally elect the product, Group I, without traverse and without prejudice.

The PTO has imposed three separate election of species requirements, and Applicants hereby respectfully and provisionally elect as follows, with traverse and without prejudice.

In re Appln of HOIKHMAN et al  
Appln. No. 10/565,593  
Reply to Office Action mailed August 18, 2009  
Reply dated January 15, 2010

(1) Election of hydrophilic polymer: (a) guar gum,  
xanthan gum

(2) Election of active ingredient: (a) drug

(3) Election of controlled release dosage form: (a)  
tablet, caplet, vegecap

The claims which read on the elected species are  
claims 1-3 and 5-10. (Only claim 4 is limited to a non-elected  
species).

The election of species requirement is traversed on  
the basis that the generic claims themselves define a single  
general inventive concept under PCT Rules 13.1 and 13.2, and the  
PTO has not established anything to the contrary.

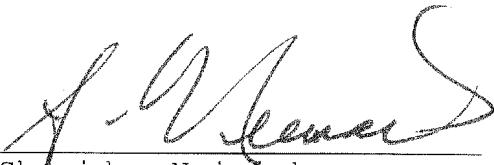
Applicants now respectfully await the receipt of the  
results of a first examination on the merits.

Applicants have become aware of three additional  
citations, namely U.S. Patent 6,210,710; U.S. Patent 5,935,604;  
and U.S. Patent 6,207,180. A formal IDS will soon be filed.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By

  
Sheridan Neimark  
Registration No. 20,520

SN:ltm  
G:\BN\P\Pyer\Hoikhman1\Pto\2010-01-15\_election.doc  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528